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TO: UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
CLERK ROBIN TABORA

FROM: THOMAS V. FRADY #410584
PETITIONER FOR HABEAS CORPUS
UNDER 28 U.S.C. § 2241

Re: REQUEST FOR ADMITTANCE
OF PETITION UNDER 28 U.S.C. 2241
- AFFIDAVIT IN REQUEST FOR COUNSEL
- FILING FEE (\$5.00)

FEBRUARY 7, 2022

DEAR CLERK,

Please receive the following filing via ECF AND
REQUEST FOR ADMITTANCE INTO JUDICIAL DOCKET OF
PETITION FOR HABEAS CORPUS UNDER 28 U.S.C. § 2241.

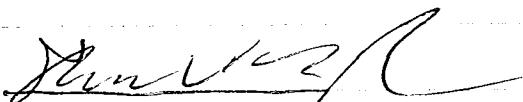
IN ADDITION, PLEASE ACKNOWLEDGE VIA RECEIPT,
FILING FEE ON BEHALF OF REQUESTER PROCESS.

(ONE)

MY CURRENT PLACE OF CONFINEMENT IS!

THOMAS FRADY #410584
HARTFORD CORR.
177 WESTON ST
HARTFORD, CONNECTICUT
06120

RESPECTFULLY,


Thomas Frady #410584

(TWO)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

THOMAS V. FRADY

PETITIONER

V-

RESPONDENT

CHRISTOPHER BUSH Asst. A.G.

STATE OF RHODE ISLAND

PETITION

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

Now Comes, THE PETITIONER, THOMAS FRADY AND SEEKS A HEARING FOR ISSUANCE OF WRIT OF HABEAS CORPUS ACCORDING TO 28 U.S.C. § 2241, (c)-(2)-(3) RESPECTIVELY, CITING ILLEGAL CONSTRAINT, IN CONTRAST TO U.S.C.A. AMEND (6) RIGHT TO SPEEDY TRIAL, DUE PROCESS, 18 U.S.C. APP II ART. III-IV

MEMORANDUM IN SUPPORT

INTRODUCTION:

- 1) THE PETITIONER IS CURRENTLY DETAINED AT HARTFORD CORRECTIONAL ON A 750,000 BOND AS EMANATING FROM STATE OF NEW HAMPSHIRE
- 2) PETITIONER STATES BOND IS NOT COGNIZANT AS A (NO BOND) WARRANT EXISTS IN STATE OF RHODE ISLAND, PRECLUDING THE PETITIONER RELEASE IN ANY FORM

(ONE)

3.) VIA (PRO-SE) ATTEMPTS TO COMPEL DISSOLUTION OF RHODE ISLAND CRIMINAL CASE No: (K2-2019-0225) BEGINNING IN 2020 (UNIFORM INTERSTATE AGREEMENT ON DETAINERS) "I.A.O" 18 U.S.C. APP. II ART. I-IV TO NO AVAIL. (SEE EXHIBIT)

4.) A MOTION TO DISMISS WAS FILED IN JUNE 2020 UNTO KENT SUPERIOR COURT (RHODE ISLAND) CITING A VIOLATION OF (ART. I) OF 18 U.S.C. APP. II (180-DAY RULE) (SEE DOCKET ENTRY - KENT SUP. CT EXHIBIT)

5.) AFTER SEVERAL ATTEMPTS TO COMPEL RESOLUTION DURING MY (3) YEAR EFFECTIVE SENTENCE IN CONNECTICUT (D.O.C) A 28 U.S.C. § 2241 PETITION WAS INITIATED (PRO-SE) IN SEPTEMBER 2020 OR 8 MONTHS AFTER (I.A.O) REQUEST WAS TRANSMITTED UNTO RHODE ISLAND FOR RESOLUTION OF (K2-2019-0225)

6.) ON FEBRUARY 2, 2021 U.S.D.C. FOR DISTRICT OF CONNECTICUT EXERCISED ITS INHERENT POWER TO TRANSFER THE (2241) UNTO DISTRICT OF RHODE ISLAND VIA 28 U.S.C. § 1404(A)

7.) ON MARCH 6, 2021 U.S.D.C. DISTRICT OF RHODE ISLAND COMPELLED THE RESPONDENT TO ANSWER THE PETITIONER HABEAS PETITION UNDER 28 USC 2241 WHEREAS, THE RESPONDENT SOUGHT DISMISSAL IN PETITIONER FAILURE TO EXHAUST STATE REMEDY, AND NOTED REQUESTED RELIEF IN STATE COURT, ASKED TO DISMISS THE DETAINER IN (K2-2019-0225) ONLY (TWO)

8.) ON APRIL 14, 2021 STATE OF RHODE ISLAND RESPONDANT, A.A.G. BUSH, DISMISSED THE DETAINER AS IN EFFECT, INHERINT TO (K2-2019-0225)

9.) ON 7-17-2021 U.S.D.C. DISTRICT OF RHODE ISLAND DISMISSED (WITHOUT PREJUDICE) THE PETITIONER'S HABEAS REQUEST CITING FAILURE TO EXHAUST STATE REMEDY, BY SEEKING DISMISSAL OF K2-2019-0225 IN STATE SETTING, AND DUE TO RECALL OF DETAINER IN K2-2019-0225 THE POINT IS ESSENTIALLY MOOT

10.) ON SEPTEMBER 21, 2021. THE PETITIONER ONCE AGAIN FORWARDED AN IN-DEPTH MOTION AND MEMORANDUM OF LAW UNTO THE STATE OF RHODE ISLAND KENT SUPERIOR COURT SEEKING HEARING AND ADJUDICATION VIA DISMISSAL OF K2-2019-0225 TO NO AVAIL.

11.) DECEMBER 30, 2021 THE PETITIONER COMPLETED THE EFFECTIVE CONNECTICUT TERM OF CONFINEMENT AND WAS ARRESTED AND HELD ON 250,000 BOND FOR STATE OF NEW HAMPSHIRE UPON RELEASE

12.) THE PETITIONER CLAIMS THE BOND AS SET IS NOT COGNIZANT DUE TO RHODE ISLANDS ACTIVE WARRANT AND (NO BOND) ATTACHMENT EQUATING A CONSTRAINT INSURMOUNTABLE TO SATISFY

(THREE)

13.) THE PETITIONER IS CURRENTLY HELD AT HARTFORD CORRECTIONAL ADAMANTLY OPPOSING EXTRADITION UNTO STATE OF NEW HAMPSHIRE CITING JURISDICTIONAL VENUE OF (I.A.D.) IX U.S.C APP II ART. III-IV .
RENDITION AS (PENDING LITIGATION) WITH ALL INCLUSIVE RIGHT TO SPEEDY TRIAL UNDER U.S.C.A. Const. Amend IV DUE PROCESS, THEREIN. (IN-STATE) AND UNRESOLVED

14.) PETITIONER SEEKS HEARING ON HABEAS RELIEF WITHIN: 1.) JURISDICTION AFFORDING ABILITY TO GRANT PHYSICAL HEARING

2.) RETAIN JURISDICTION AS BASED ON SHOWING OF "EXTREME PREJUDICE" GIVEN (2 year) WINDOW IN ATTEMPT TO RESOLVE CONSTRAINT

DUE TO THE INABILITY OF SUBMITTING TYPEWRITTEN
TEXT IN THIS PETITION, I ASK OF THE COURT TO
ALLOW THE ADMISSION OF THIS TEXT AS SUBMITTED
AND TO INCLUDE THE (ARGUMENT) AND (APPLICABLE)
LAW SEGREGATE TEXTS IN COMPOSITION OF THE
PETITION AS REQUESTED HABEAS RELIEF UNDER
28 U.S.C. § 2241 RESPECTIVELY.

A R G U E M E N T

- 11.) A.A.G. Bush Contends the State Of Rhode Island was Precluded from any opportunity in Out-Of State Rendition to effect due to the Pandemic. (See Exhibit 4)

To Wit; The (I.A.D.) Request and Offer of Temporary Custody was recieved by the State Of Rhode Island Pre-Pandemic, Effectively Initiating the (180) Day rule under 18 U.S.C.App.2,Art3-5. It should be depicted as Unreasonable to Accept the States' Position a "Total" Suspension of Out-Of-State Rendition has consistantly Ensued since the Pandemics Inception, Or Offer resolution Before this Court Session, in Excess Of 18 Months, Moreover, A.A.G. Bush failed to even remit a Cursory Letter unto Connecticut Officials apprising its intent

- 12.) In March 2021, A.A.G. Bush represented to the R.I.,U.S.D.C. the Defendant' 2241 Petition should be dismissed as an Exhaustion Clause Should preclude the action as a matter was Unexhausted in Rhode Island State Court Session, (Refering to Defendant' Motion to Vacate) as filed over a year earlierin Kent Superior Court

To Wit; The State' A.A.G. Diligently represents it's Pragmatic position of preclusion from ordinary rendition due to Pandemic Protocols, Accentuates a pending motion to Vacate a detainer as attached to (K2-2019-0225(a) as filed in Kent County, Without Explanation, recalls it's own Detainer, yet retains an Active Warrant (SC-0093204)

- 13.) In addition to the States Response A.A.G. Bush cites the Defendant' Original Motion upon Kent Superior Court (Motion To Vacate Detainer) never sought dismissal of (K2-2019-0225(A) directly, only inherit Detainer as attached theirin, essentially now a Moot issue, as the State has decided to recind it's detainer on it's accord

To Wit; Notwithstanding, The States A.A.G. in it's Disregard for the Rigid and Pragmatic structure of the (I.A.D.) 18 U.S.C.App,2.Art3-5. has created an irrevocable Prejudicial bar upon the Defendant' and thereby seeks Dismissal of (K2-2019-0225(a) as based on the Foregoing Applicable Law

A P P L I C A B L E L A W

- 14.) The Defendant request for dismissal relies solely on the well-established Axiom of Application of the (I.A.D.) 18 u.s.c. App,2.sec2.Art 5.(a) Availability of Application, Construction, and Remedial Relief due prisoners when Violation Of Process (Procedural) Occures
- 15.) On Prescribed remedial reliefapplicable to (I.A.D.) Dismissal Without Prejudice is appropriate less showing of "Bad Faith" in U.S V. GEZELMAN 522F.Sup.2d 344 (2007) Dismissal without prejudice was applicable, However in the Instant Case, the lapse of time from inception of original (I.A.D.) of 18 Months, Surpasses the "Prejudice" of "GEZELMAN" by 3 times, what should be readily construed as Prejudicial
- 16.) On January 7, 2020 the Uniform (I.A.D.) Process was triggered into action when Connecticut D.O.C. relayed the Defendant desire to resolve the complaint relative to (K2-2019-0225(A) unto Rhode Island officials Sequentialy triggering Speedy Trial Requirements attached thereby, U.S. V. MAURO 436 U.S. 340 (Supra) [I.A.D. is initiated by prisoner depicting willingness to resolve legal matters by which the "Framers" of Uniform I.A.D. depict as (180) Days unless formal continuance before court, and/or Defendant Assent]
- 17.) While the State A.A.G., has made no attempt to rely on De Minimus Circumstances in failure to adhere to procedural parameters in this process (I.A.D.), in any regard ALABAMA V. BOZEMAN 533 U.S.153 States:[The I.A.D. in Short Means what it says, Even if a Violation may seem to be "Technical" The Court adds in an oppinion of (7) Justices, Whereas, Justice Breyer Mandates "Strict Application" of the I.A.D. and in showing prejudice, Dismissal is required]
- 18.) In U.S. V. McKINNEY 395 F3d. 837 (2005) [The I.A.D. States a prisoner whom has a detainer lodged against him, in custody, shall be brought to trial within 180 days, after proper notice of his request is transmitted] In McKinney, the discussion of "Abuse Of Discretion" ensues as standard in determination of circumstances prompting dismissal

WHEREFORE, THE PETITIONER SEEKS RELIEF IN
THE FOLLOWING FORM(S) OR THAT IS
DEEMED TO BE JUST AND PROPER

1.) ORDER ISSUANCE OF HABEAS
UNTO PETITIONER PLACE OF CONFINEMENT
TO COMMENCE HEARING ON THE MERITS
OF HIS PETITION UNDER 28 USC § 2241

2.) ORDER REMAND OF PETITIONER
UNTO THIS JURISDICTION OR JURISDICTION
IN WHICH CONSTRAINT EXIST, (WYATT
DETENTION CENTER - R.I.) PENDING RESOLVE
OF (K2-2019-0225)

3.) ORDER DISMISSAL OF (K2-2019-0225)
AND INHERENT WARRANT (SC-093204)
WITH PREJUDICE

4. ORDER APPOINTMENT OF FEDERAL
COUNSEL AS PER PETITIONER AFFIDAVIT
AND REQUEST HEIRING

(EIGHT)